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12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

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17 IN RE TEZOS SECURITIES LITIGATION

18 This document relates to: All Actions
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Master File No. 17-cv-06779-RS

CLASS ACTION

**DEFENDANT TEZOS STIFTUNG'S
UNOPPOSED MOTION FOR LEAVE
TO FILE RESPONSE TO LEAD
PLAINTIFF ANVARI'S REPLY IN
FURTHER SUPPORT OF THE MOTION
TO STAY THE *BAKER* ACTION**

Date: June 21, 2018

Time: 1:30 p.m.

Courtroom: 3

Before the Honorable Richard Seeborg

UNOPPOSED MOTION FOR LEAVE TO FILE RESPONSE

PLEASE TAKE NOTICE that defendant Tezos Stiftung (the “Foundation”) will and hereby moves the Court under Civil Local Rules 7-3(d) and 7-1(a)(1) for leave to file a response (“Response”) to lead plaintiff Arman Anvari’s Reply (“Reply”) [ECF No. 116] in further support of his Motion to Stay the Baker Action (“Motion”) [ECF No. 109]. Counsel for the Foundation has met and conferred with counsel for lead plaintiff Anvari regarding the Foundation’s request to file a response; Anvari does not oppose this motion.

As set forth in greater detail in the proposed Response, which is attached hereto as Exhibit A, Point III of Anvari’s Reply seeks relief against defendants in this action that the original Motion did not seek. Whereas the Motion sought to enjoin a state court and a state court plaintiff from advancing the action captioned *Baker v. Dynamic Ledger Solutions, Inc.*, No. 3:17-cv-06850-RS, the Reply for the first time seeks as an alternative to enjoin *defendants* in this action from conducting settlement communications with anyone other than Anvari. Anvari’s attempt to alter the thrust of his Motion and the relief sought is procedurally improper. Moreover, the request to enjoin the defendants’ potential future conduct lacks substantive merit. Accordingly, the Foundation seeks leave of Court to file the attached Response to the arguments raised in Point III of Anvari’s Reply. *See, e.g., Vargas v. Gromko*, 977 F. Supp. 996, 1003 n.10 (N.D. Cal. 1997) (granting leave to file sur-reply because new issues were raised in reply).

CONCLUSION

For the foregoing reasons, the Foundation respectfully requests that the Court grant this unopposed motion for leave to file a response. A proposed order accompanies this Motion.

1 Dated: May 17, 2018

Respectfully submitted,

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3
4 By: /s/ Neal A. Potischman

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